

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

OCT 02 2012

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

KEVIN EMBRY, individually and on  
behalf of himself, the general public and  
those similarly situated,

Plaintiff - Appellee,

CHRISTOPHER BANDAS,

Objector - Appellant,

v.

ACER AMERICA CORPORATION, a  
California corporation,

Defendant - Appellee.

No. 12-15555

D.C. No. 5:09-cv-01808-JW  
U.S. District Court for Northern  
California, San Jose

**ORDER**

The motion filed by the appellant on September 28, 2012 for voluntary  
dismissal of this appeal is granted. This appeal is dismissed. See Fed. R. App. P.  
42(b); 9th Cir. R. 27-9.1.

This order served on the district court shall constitute the mandate of this  
court.

FOR THE COURT:  
Molly C. Dwyer  
Clerk of Court

Dru E. Van Dam  
Deputy Clerk